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HOUSE BILL 341

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Gloria C. Vaughn

AN ACT

RELATING TO CRIMINAL LAW; INCREASING PENALTIES FOR CRIMES
AGAINST HOUSEHOLD MEMBERS WHEN THE CRIMES ARE COMMITTED IN THE
PRESENCE OF A CHILD; AMENDING SECTIONS OF THE CRIMES AGAINST
HOUSEHOLD MEMBERS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-3-10 NMSA 1978 (being Laws 1995,
Chapter 221, Section 1) is amended to read:

"30-3-10. SHORT TITLE. -- ~~[This act]~~ Sections 30-3-10
through 30-3-16 NMSA 1978 may be cited as the "Crimes Against
Household Members Act". "

Section 2. Section 30-3-11 NMSA 1978 (being Laws 1995,
Chapter 221, Section 2) is amended to read:

"30-3-11. DEFINITIONS. -- As used in the Crimes Against
Household Members Act:

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 A. "household member" means a spouse, former spouse
2 or family member, including a relative, parent, present or
3 former step-parent, present or former in-law, a co-parent of a
4 child or a person with whom a person has had a continuing
5 personal relationship. Cohabitation is not necessary to be
6 deemed a household member for the purposes of the Crimes
7 Against Household Members Act; and

8 B. "child" means a minor under the age of
9 thirteen. "

10 Section 3. Section 30-3-12 NMSA 1978 (being Laws 1995,
11 Chapter 221, Section 3) is amended to read:

12 "30-3-12. ASSAULT AGAINST A HOUSEHOLD MEMBER. --

13 A. Assault against a household member consists of:

14 (1) an attempt to commit a battery against a
15 household member; or

16 (2) any unlawful act, threat or menacing
17 conduct that causes a household member to reasonably believe
18 that he is in danger of receiving an immediate battery.

19 B. Whoever commits assault against a household
20 member is guilty of a petty misdemeanor.

21 C. Whoever commits assault against a household
22 member while in the presence of a child is guilty of a
23 misdemeanor. "

24 Section 4. Section 30-3-13 NMSA 1978 (being Laws 1995,
25 Chapter 221, Section 4) is amended to read:

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1 "30-3-13. AGGRAVATED ASSAULT AGAINST A HOUSEHOLD

2 MEMBER. --

3 A. Aggravated assault against a household member
4 consists of:

5 (1) unlawfully assaulting or striking at a
6 household member with a deadly weapon; or

7 (2) willfully and intentionally assaulting a
8 household member with intent to commit any felony.

9 B. Whoever commits aggravated assault against a
10 household member is guilty of a fourth degree felony.

11 C. Whoever commits aggravated assault against a
12 household member while in the presence of a child is guilty of
13 a third degree felony."

14 Section 5. Section 30-3-14 NMSA 1978 (being Laws 1995,
15 Chapter 221, Section 5) is amended to read:

16 "30-3-14. ASSAULT AGAINST A HOUSEHOLD MEMBER WITH INTENT
17 TO COMMIT A VIOLENT FELONY. --

18 A. Assault against a household member with intent
19 to commit a violent felony consists of any person assaulting a
20 household member with intent to kill or commit any murder,
21 mayhem, criminal sexual penetration in the first, second or
22 third degree, robbery, kidnapping, false imprisonment or
23 burglary.

24 B. Whoever commits assault against a household
25 member with intent to commit a violent felony is guilty of a

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underscored material = new
[bracketed material] = delete

1 third degree felony.

2 C. Whoever commits assault against a household
3 member with intent to commit a violent felony while in the
4 presence of a child is guilty of a second degree felony."

5 Section 6. Section 30-3-15 NMSA 1978 (being Laws 1995,
6 Chapter 221, Section 6, as amended) is amended to read:

7 "30-3-15. BATTERY AGAINST A HOUSEHOLD MEMBER. --

8 A. Battery against a household member consists of
9 the unlawful, intentional touching or application of force to
10 the person of a household member, when done in a rude, insolent
11 or angry manner.

12 B. Whoever commits battery against a household
13 member is guilty of a misdemeanor.

14 C. Whoever commits battery against a household
15 member while in the presence of a child is guilty of a fourth
16 degree felony."

17 Section 7. Section 30-3-16 NMSA 1978 (being Laws 1995,
18 Chapter 221, Section 7) is amended to read:

19 "30-3-16. AGGRAVATED BATTERY AGAINST A HOUSEHOLD
20 MEMBER. --

21 A. Aggravated battery against a household member
22 consists of the unlawful touching or application of force to
23 the person of a household member with intent to injure that
24 person or another.

25 B. Whoever commits aggravated battery against a

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1 household member by inflicting an injury to that person that is
2 not likely to cause death or great bodily harm, but that does
3 cause painful temporary disfigurement or temporary loss or
4 impairment of the functions of any member or organ of the body,
5 is guilty of a misdemeanor.

6 C. Whoever commits aggravated battery against a
7 household member by inflicting an injury to that person that is
8 not likely to cause death or great bodily harm, but that does
9 cause painful temporary disfigurement or temporary loss or
10 impairment of the functions of any member or organ of the body,
11 while in the presence of a child is guilty of a fourth degree
12 felony.

13 [~~C.~~] D. Whoever commits aggravated battery against
14 a household member by inflicting great bodily harm or doing so
15 with a deadly weapon or doing so in [any] a manner whereby
16 great bodily harm or death can be inflicted is guilty of a
17 third degree felony.

18 E. Whoever commits aggravated battery against a
19 household member by inflicting great bodily harm or doing so
20 with a deadly weapon or doing so in a manner whereby great
21 bodily harm or death can be inflicted while in the presence of
22 a child is guilty of a second degree felony."

23 Section 8. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2003.